

VANDEVEER GARZIA

PROFESSIONAL CORPORATION

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May 1, 2013

Hon. Roanne L. Mann
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Innovation Ventures, LLC et al., Plaintiffs -vs- Ultimate One Distributing Corp., et al., Defendants
No. 12-civ-5354 (KAM)(RLM)
Attorney File No: C151-20733

Dear Magistrate Judge Mann:

On February 5, 2013 Defendant Capital Sales Company filed a request for a pre-motion conference in this matter in connection with a proposed motion for dismissal based upon lack of personal jurisdiction pursuant to Fed. R. Civ. P. 12(b)(2) (Dkt. #357). The plaintiff responded and asked the Court to deny that request (Dkt. #373).

In a text order dated February 12, 2013, Judge Matsumoto denied Capital Sales Company's request and referred the matter to you for the "coordination and scheduling of jurisdictional discovery." Judge Matsumoto indicated in the text order that: "At the close of jurisdictional discovery, Capital may renew its request for a pre-motion conference."

At the time of the initial conference in this matter on March 4, 2013, this Court indicated that jurisdictional discovery concerning Capital Sales Company must be completed by June 3, 2013 (Dkt. #436).

After further review of this issue, Capital Sales Company withdraws any request for a pre-motion conference in connection with any anticipated motion for dismissal pursuant to F. R. C. P. (12)(b)(2). Capital Sales Company will not contest personal jurisdiction in this Court in connection with the plaintiff's claims in this case. Capital Sales Company hereby submits to personal jurisdiction of this Court with respect to the claims of the plaintiff in this case. Therefore, no jurisdictional discovery is necessary with respect to Capital Sales Company.

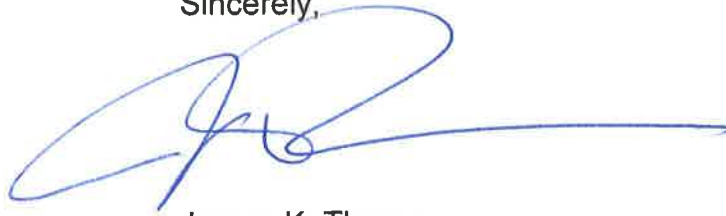
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Innovation Ventures, LLC
No. 12-civ-5354 (KAM)(RLM)

Capital Sales Company does not waive any objections to personal jurisdiction in this Court with respect to any other claims and cases.

Capital Sales Company will respond to the Seventh Amended Complaint forthwith.

Sincerely,

A handwritten signature in blue ink, appearing to be 'J. Thome', with a long horizontal flourish extending to the right.

James K. Thome

JKT/rls
copy: Attorneys of Record
Via the Court's CM/ECF system

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